

AMENDED IN SENATE APRIL 21, 2014

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SENATE BILL

No. 1409

Introduced by Senator Hill

February 21, 2014

An act to amend Section ~~311.5~~ 321.6 of, and to add Section 731 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1409, as amended, Hill. Public Utilities Commission: ~~publicly available information; fixing of rates; safety investigations.~~

The California Constitution establishes the Public Utilities Commission with regulatory authority over public utilities and authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. ~~The Public Utilities Act requires the commission to publish and maintain certain documents and information and make specified materials available on the commission's Internet Web site. Existing law requires the commission to submit certain information about its activities to the Governor and the Legislature no later than February 1 of each year, including a workplan describing its scheduled ratemaking proceedings, an accounting of its transactions and proceedings, and a report on the number of cases where resolution of the case exceeded the time periods prescribed in scoping memos and on the number of days that commissioners presided in hearings.~~

This bill, *with respect to this annual submission of information*, would ~~also~~ require the commission to ~~publish and maintain on its Internet Web site~~ *provide* a succinct description of each safety investigation pending before the commission or concluded during the prior calendar year by

~~the commission and require that the description include *commission*, including the reason for the investigation, the facility type involved, and the owner of the facility.~~

~~The California Constitution authorizes the commission to fix the rates and charges for every public utility, while the Public Utilities Act requires that those rates and charges be just and reasonable and, with certain exceptions, prohibits a public utility from changing any rate, except upon a showing before the commission and a finding by the commission that the new rate is justified.~~

~~The Public Utilities Act requires the commission to investigate the cause of all accidents occurring upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and authorizes the commission to make any order or recommendation with respect to the investigation that it determines to be just and reasonable.~~

~~If the commission opens an investigation into the cause of an accident resulting in loss of life or injury to person or property, this bill would require that the commission not recognize as being just and reasonable any expenditure by a public utility related to any final judgment, arbitration award, compromise, or other settlement related to the event under investigation before the commission completes its investigation.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 321.6 of the Public Utilities Code is
2 amended to read:
3 321.6. (a) The commission shall do all of the following:
4 (1) Develop, publish, and annually update an annual workplan
5 that describes in clear detail the scheduled ratemaking proceedings
6 and other decisions that may be considered by the commission
7 during the calendar year. The plan shall include, but is not limited
8 to, information on how members of the public and ratepayers can
9 gain access to the commission's ratemaking process and
10 information regarding the specific matters to be decided. The plan
11 shall also include information on the operation of the office of the
12 public adviser and identify the names and telephone numbers of
13 those contact persons responsible for specific cases and matters

1 to be decided. The plan shall also include a statement that specifies
2 activities that the commission proposes to reduce the costs of, and
3 rates for, energy, including electricity, and for improving the
4 competitive opportunities for state agriculture and other rural
5 energy consumers. The commission shall post the plan under the
6 Official Documents area of its Internet Web site and shall develop
7 a program to disseminate the information in the plan utilizing
8 computer mailing lists to provide regular updates on the
9 information to those members of the public and organizations
10 which request that information.

11 (2) Produce a complete accounting of its transactions and
12 proceedings for the preceding year, together with other facts,
13 suggestions, and recommendations that it deems of value to the
14 people of the state and a statement that specifies the activities and
15 achievements of the commission in reducing the costs of, and rates
16 for, energy, including electricity, for state agriculture and other
17 rural energy consumers.

18 (3) Create a report on the number of cases where resolution
19 exceeded the time periods prescribed in scoping memos and the
20 days that commissioners presided in hearings.

21 (4) *Describe succinctly in a report each safety investigation*
22 *pending before the commission or concluded during the prior*
23 *calendar year by the commission. The description shall include*
24 *the reason for the investigation, the facility type involved, and the*
25 *owner of the facility.*

26 ~~(4)~~
27 (5) Submit annually the ~~plan workplan~~, accounting, and ~~report~~
28 ~~reports~~ required by paragraphs (1), (2), ~~and~~ (3), and (4) to the
29 Governor and Legislature no later than February 1 of each year.

30 (b) The president of the commission shall annually appear before
31 the appropriate policy committees of the Senate and Assembly to
32 report on the annual workplan access guide of the commission
33 required pursuant to this section.

34 (c) The president of the commission shall annually appear before
35 the appropriate policy committees of the Senate and Assembly to
36 report on the annual report of the commission on the number of
37 cases where resolution exceeded the time periods prescribed in
38 scoping memos and the days that commissioners presided in
39 hearings, pursuant to Section 13 of Chapter 856 of the Statutes of
40 1996.

1 ~~SECTION 1. Section 311.5 of the Public Utilities Code is~~
2 ~~amended to read:~~

3 ~~311.5. (a) (1) Prior to commencement of any meeting at which~~
4 ~~commissioners vote on items on the public agenda the commission~~
5 ~~shall make available to the public copies of the agenda, and upon~~
6 ~~request, any agenda item documents that are proposed to be~~
7 ~~considered by the commission for action or decision at a~~
8 ~~commission meeting.~~

9 ~~(2) In addition, the commission shall publish the agenda, agenda~~
10 ~~item documents, and adopted decisions in a manner that makes~~
11 ~~copies of them easily available to the public, including publishing~~
12 ~~those documents on the Internet. Publication of the agenda and~~
13 ~~agenda item documents shall occur on the Internet at the same~~
14 ~~time as the written agenda and agenda item documents are made~~
15 ~~available to the public.~~

16 ~~(b) The commission shall publish and maintain the following~~
17 ~~documents on the Internet:~~

18 ~~(1) Each of the commission's proposed and alternate proposed~~
19 ~~decisions and resolutions, until the decision or resolution is adopted~~
20 ~~and published.~~

21 ~~(2) Each of the commission's adopted decisions and resolutions.~~
22 ~~The publication shall occur within 10 days of the adoption of each~~
23 ~~decision or resolution by the commission.~~

24 ~~(3) The then-current version of the commission's general orders~~
25 ~~and Rules of Practice and Procedure.~~

26 ~~(4) A succinct description of each safety investigation pending~~
27 ~~before the commission or concluded during the prior calendar year~~
28 ~~by the commission. The description shall include the reason for~~
29 ~~the investigation, the facility type involved, and the owner of the~~
30 ~~facility.~~

31 ~~(5) Each of the commission's rulings. The commission shall~~
32 ~~maintain those rulings on its Internet Web site until final~~
33 ~~disposition, including disposition of any judicial appeals, of the~~
34 ~~respective proceedings in which the rulings were issued.~~

35 ~~(6) A docket card that lists, by title and date of filing or issuance,~~
36 ~~all documents filed and all decisions or rulings issued in those~~
37 ~~proceedings. The commission shall maintain the docket card until~~
38 ~~final disposition, including disposition of any judicial appeals, of~~
39 ~~the corresponding proceedings.~~

1 SEC. 2. ~~Section 731 is added to the Public Utilities Code, to read:~~
2 ~~731. If the commission opens an investigation pursuant to~~
3 ~~Section 315, the commission shall not recognize as being just and~~
4 ~~reasonable any expenditure by a public utility related to any final~~
5 ~~judgment, arbitration award, compromise, or other settlement~~
6 ~~related to the event under investigation before the completion of~~
7 ~~the investigation by the commission.~~

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